

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YELTSIN BELTRAN,

Plaintiff,

- against -

CITY OF NEW YORK, DETECTIVE O'LEARY,
and DETECTIVE BRIAN SHEA

Defendants.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

O R D E R

19 Civ. 4647 (NRB)

WHEREAS defendants O'Leary and Shea were dismissed from this case on August 20, 2019 for the plaintiff's failure to timely serve, ECF No. 15;

WHEREAS the Court scheduled an initial pretrial conference for November 18, 2019, ECF No. 17;

WHEREAS the sole remaining defendant, the City of New York ("City"), by the letter of November 15, 2019, asked the Court to convert the initial pretrial conference to a pre-motion conference for its proposed motion for judgment on pleadings pursuant to Federal Rule of Civil Procedure 12(c), ECF No. 18;

WHEREAS at the initial pretrial conference on November 18, 2019, the Court granted the City permission to make the proposed motion and set a briefing schedule;

WHEREAS pursuant to the briefing schedule, the City filed the motion on December 18, 2019, ECF No. 20;

WHEREAS pursuant to the briefing schedule, plaintiff's opposition was due by January 24, 2020;

WHEREAS plaintiff did not file any opposition by the scheduled due date;

WHEREAS Chambers called plaintiff's counsel on January 27 and January 29, 2020, seeking clarification concerning plaintiff's failure to file an opposition;


WHEREAS no written response from plaintiff has been filed;

WHEREAS on January 31, 2020, the City filed a letter, asking the Court to regard its motion as fully briefed and unopposed given plaintiff's failure to timely file an opposition, ECF No. 21; it is hereby

ORDERED that unless plaintiff files an opposition by February 10, 2020, the Court will consider the City's motion pursuant to Rule 12(c) as fully briefed and unopposed.

SO ORDERED.

Dated: New York, New York
February 3, 2020


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE